

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

OSCAR A. GARCIA,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. C-04-555
	§	
DAVID A. McFARLING, M.D.,	§	
Individually and In His	§	
Assumed or Common Name;	§	
NEUROLOGY, P.A.; NEUROLOGY,	§	
P.A. d/b/a THE NEUROLOGICAL	§	
CLINIC; THE NEUROLOGICAL	§	
CLINIC, In His Assumed or	§	
Common Name; MICHAEL GIEGER,	§	
M.D., Individually and In	§	
His Assumed or Common Name;	§	
NEUROSURGERY INSTITUTE OF	§	
SOUTH TEXAS, P.A.,	§	
Individually and In His	§	
Assumed or Common Name;	§	
UNITED STATES OF AMERICA;	§	
DENNIS E. WILLIS, M.D.,	§	
Individually and In His	§	
Assumed or Common Name;	§	
SEBASTIAN CERNA, M.D.,	§	
Individually and In His	§	
Assumed or Common Name; and	§	
EMSA MILITARY SERVICES, INC.,	§	
	§	
Defendants.	§	

ORDER ADDRESSING PENDING MOTIONS

On July 8, 2005, the Court conducted a hearing in the above-styled action. This Order memorializes certain of the Court's rulings made during that conference.

For the reasons stated in the Court's Order of December 28, 2004 (holding that the expert disclosure provisions of Tex. Rev. Civ. Stat., art. 4590i, § 13.01 does not apply to this case), Defendants' Motion for Reconsideration of Ruling on Application of

Section 13.01 (D.E. No. 68) is DENIED.

Also, based upon an announced agreement between the parties, Defendants Emergency Medical Associates, Inc., Prison Health Services, Inc., and Prison Health Services, Inc. d/b/a EMSA Military Services are hereby DISMISSED. This action is now styled as set out in the caption of this Order, supra.¹

SIGNED and ENTERED this 11th day of July, 2005.

A handwritten signature in black ink that reads "Janis Graham Jack". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Janis Graham Jack
United States District Judge

¹ Defendant Rice Creek Manufacturing, in Its Common or Assumed Name was dismissed by Order on January 7, 2005; Defendant Medtronic, Inc. was dismissed by Order on June 22, 2005; and Defendants Christus Spohn Health System Corporation and Christus Spohn Hospital Shoreline, Individually and In Its Assumed or Common Name were dismissed by Order on July 6, 2005.